

**REMARKS**

claims 1-4, 6-9 and 11 are pending. By this Amendment, claims 1-4, 6-8 and 11-12 are amended and claims 5 and 10 are canceled without prejudice to or disclaimer of the subject matter contained therein. Reconsideration is respectfully requested.

**I. Rejection Under 35 U.S.C. §112, First Paragraph**

Claims 3, 6 and 11 are rejected under 35 U.S.C. §112, first paragraph, because, according to the Office Action, the disclosure does not provide sufficient support for "luminous inclination." Claims 3, 6 and 11 have been amended to obviate the rejection. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

**II. Rejection Under 35 U.S.C. §112, Second Paragraph**

Claims 3, 6 and 11 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 3, 6 and 11 have been amended to obviate the rejection. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

**III. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1, 4, 8 and 9 under 35 U.S.C. §102(b) over Mackenzie (CA 2,065,174); and rejects claims 1, 2, 4, 5, 7-10 and 12 under 35 U.S.C. §103(a) over Mackenzie in view of O'Donnell, Jr. (U.S. Patent No. 5,713,893). The rejection is respectfully traversed.

Neither Mackenzie nor O'Donnell, Jr., individually or in combination, discloses or suggests assessing appropriateness of irradiation intensity distribution of the ultraviolet laser processing device based on whether the gradation contrast change is in a permissible range by analyzing information on a luminance change in the irradiation region of the image, as recited in independent claim 1. Neither Mackenzie nor O'Donnell, Jr., individually or in combination, discloses or suggests an assessing device which assesses appropriateness of

irradiation intensity distribution of the ultraviolet laser processing device based on whether the gradation contrast change is in a permissible range by analyzing information on a luminance change in the irradiation region of the image, as recited in independent claim 4.

Neither Mackenzie nor O'Donnell, Jr., individually or in combination, discloses or suggests an assessing device which assesses appropriateness of irradiation intensity distribution of the ultraviolet laser processing device based on whether the gradation contrast change is in a permissible range by analyzing information on a luminance change in the irradiation region of the image, as recited in independent claim 8.

Mackenzie disclose a method for real time sensing and integrating UV radiation of an artificial cornea. In Mackenzie, a UV excimer laser beam is split into two beams by a beam splitter, and one beam is irradiated onto a human cornea while the other beam is irradiated onto an artificial cornea such as an EPROM array of MOS transistors or a UV sensitive CCD camera (see, page 12, lines 3-20). Thereby parameters such as irradiation intensity of the laser beam to be irradiated (or which have been irradiated) may be obtained in real time before and during surgery.

However, the UV laser beam for causing photo-ablation on the cornea has such high energy that disconnects intermolecular bond in a tissue, and it is actually difficult to obtain the EPROM array of MOS transistors and the UV sensitive CCD camera which bears the irradiation of the UV laser. As such, Mackenzie does not disclose or suggest the above noted features of claims 1, 4 and 8. Mackenzie does not provide for the irradiation intensity distribution of the laser beam for ablation to be easily obtained.

O'Donnell, Jr. does not make up for the above noted deficiencies of Mackenzie. O'Donnell, Jr. discloses a method of evaluating a laser for use in ophthalmologic surgery, in which a test substrate having the ablation rate essentially the same as a human cornea is

ablated with a laser beam, and a shape of the test substrate is analyzed by topography for evaluating the laser beam (see col. 2, lines 4-38).

However, if this method is used for obtaining the whole shape, its evaluation is the same as that attained by a lens meter. In addition, since accumulated irradiation energy in the center primarily differs from that in the periphery, it is not easy for the method in O'Donnell, Jr. to evaluate basic irradiation intensity distribution. Therefore, O'Donnell, Jr. does not disclose or suggest the above noted features of claims 1, 4 and 8.

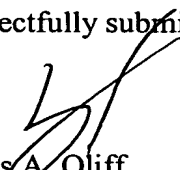
Accordingly, independent claims 1, 4 and 8 define patentable subject matter. Claims 2-3, 6-7, 9 and 11-12 depend on the respective independent claims, and therefore define patentable subject matter. Accordingly, withdrawal of the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) are respectfully requested.

#### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4, 6-9 and 11-12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Petition for Extension of Time

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